

Thursday, August 24, 2006

Back Print

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 74

Subject: C14-06-0076 - Stonegate Pharmacy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501 West William Cannon Drive (Williamson Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 19, 2006. Applicant: A-K-C William Cannon, L.P. (John Cummings). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.

Additional Backup Material

(click to open)

- ☐ **Staff Report**
- ☐ **Request for Postponement**

For More Information: Wendy Walsh, 974-7719.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0076

Z.P.C. DATE: May 16, 2006
June 6, 2006
July 18, 2006
September 19, 2006

ADDRESS: 2501 West William Cannon Drive

OWNER: A-K-C William Cannon, L.P.
(John Cummings)

AGENT: Brown McCarroll
L.L.P. (Annick Beaudet)

ZONING FROM: LO-CO

TO: LR-CO

AREA: 0.073 acres
(3,196 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits access to Watchwood Drive.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 16, 2006: *APPROVED A POSTPONEMENT BY THE APPLICANT TO 06-06-06.*
[S. HALE; J. PINNELLI – 2ND] (8-0) J. GOHIL – ABSENT

June 6, 2006: *APPROVED A POSTPONEMENT BY THE APPLICANT TO 07-18-06.*
[J. MARTINEZ; J. PINNELLI – 2ND] (9-0)

July 18, 2006: *APPROVED A POSTPONEMENT BY THE STAFF TO 09/19/06.*
*[M. HAWTHORNE, C. HAMMOND – 2ND] (6-0) B. BAKER, J. MARTINEZ,
J. GOHIL – ABSENT*

September 19, 2006:

ISSUES:

The Applicant and Staff are pursuing an amendment to the definition of “medical offices” to include a compounding pharmacy use.

The Applicant has discussed this case with the Whispering Oaks Cherry Creek Area Neighborhood Association. The Applicant has also discussed this case with the Tanglewood Oaks Owners Association. Comments from neighbors within 300 feet are also attached.

Drainage Issues

Watershed Protection and Development Review Staff has provided a summary of the drainage situation with regard to The Arbors at Cannon's Gate South (SP-03-0529C) below. This site plan was reviewed and approved July 8, 2004.

This site is located just south of William Cannon Drive next to Cherry Creek. William Cannon Drive acts as a restriction to flow and therefore, backs up the water for a small segment of the Creek at the point of the development. Cherry Creek was originally located in a drainage easement which was dedicated by the property owner located just west of the Creek, while the subject development is to the east of the Creek. During the review of the Arbors at Cannon's Gate, an additional drainage easement was dedicated and the fully developed 100-year flood plain is therefore contained in the new drainage easement. Exhibits A-2 and A-3 show the existing 100- and 500-year flood plain and the proposed FEMA flood plains, respectively.

During the construction of the site plan, an adjacent property owner contacted the City of Austin's Environmental Inspection Department with the concern that the City of Austin should not allow discharge of water to the drainage easement, since the easement is located on his property.

However, the purpose of the drainage easement is to allow conveyance of the water from off-site. After speaking with City drainage engineering review staff, the adjacent property owner retained the service of an engineering consultant. The consultant first thought that because the newly constructed pond is hydraulically connected to the drainage easement, the 100-year flood will enter the pond and remove useful volume from the pond. City drainage engineering review staff on the other hand believes that since the detention is located outside the flood plain, it will add more volume to contain the flood plain, provided the peak from the upstream and from the development do not arrive at the same time. Furthermore, this added flood plain volume will help the adjacent property owner. The engineering consultant was able to get the Applicant's engineer to run some analysis and additional analysis was performed by City drainage engineering review staff using the latest Cherry Creek data from Watershed Engineering. The analysis supports the viewpoint that the two peaks do not arrive at the same time. The adjacent property owner's engineer concurs with the result but wants the sealing engineer to file an addendum to the engineering report documenting the Study. The sealing Engineer believes that since there is no adverse effect created, no additional work is required.

DEPARTMENT COMMENTS:

The subject rezoning area is a lease space in a building under construction and is zoned limited office – conditional overlay (LO-CO) by way of a 1996 zoning case. The Conditional Overlay prohibits access to Watchwood Drive and establishes a 2,000 daily trip limit. The lease space and surrounding office buildings under construction have access to West William Cannon Drive, a major arterial roadway. There are other medical office buildings to the west and east of the Arbors at Cannon's Gate development, and single family residences within the Whispering Oaks IV subdivision to the south. There is a 30 foot wide "greenbelt" area between the Arbors at Cannon's Gate and the single family residences to the

south (platted as a residential buffer setback). The greenbelt is one item within a private Restrictive Covenant that includes several development-related provisions including fencing, building height, permitted uses, access, lighting and impervious cover. Please refer to Exhibits A (Zoning Map), A-2 (Aerial), B (Recorded Plat) and C (Approved Site Plan).

The Applicant has requested neighborhood commercial – conditional overlay (LR-CO) combining district zoning to locate a pharmacy within the lease space (this is a general retail sales (convenience) use). The Conditional Overlay would continue to prohibit access to Watchwood Drive. Staff supports the Applicant's request for footprint LR-CO zoning as it provides limited retail space to serve the surrounding neighborhoods and captures pass-by traffic on William Cannon Drive, is compatible with the office uses under construction, and the residential setback buffer between the Arbors at Cannon's Gate and Whispering Oaks IV is maintained. The Conditional Overlay continues to prohibit access to Watchwood Drive to the south.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Office building under construction
<i>North</i>	LO-CO	Undeveloped
<i>South</i>	SF-3	Single family residences
<i>East</i>	LO-CO	Office building under construction; Dentist's office; Single family residences
<i>West</i>	LO-CO; LO	Office building under construction; Medical offices

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association
 77 – Southwest Oaks – Shiloh Neighborhood Association
 288 – City of Sunset Valley 385 – Barton Springs Coalition
 428 – Barton Springs / Edwards Aquifer Conservation District
 461 – Cherry Creek SW Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowner's Association
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 997 – Tanglewood Oaks Owners Association

SCHOOLS:

Cunningham Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0067 (Ford Tract North)	SF-3 to LO-CO	To Grant LO-CO with conditions	Approved LO-CO with the CO prohibiting access to Aldford Drive and 2,000 trips per day (10-3-96).

RELATED CASES:

The larger property which contains this lease space was rezoned to LO-CO in September 1996 (C14-96-0067). The Conditional Overlay prohibits access to Watchwood Drive and limits development to 2,000 daily trips.

The rezoning area is located within Tract 1, Block A, Lot 1 of the Arbors at Cannon's Gate subdivision, recorded in July 2002. A Site Plan for the development of Lot 1 was approved in July 2004. Please refer to Exhibits B and C.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
West William Cannon Drive	130 feet	Varies	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE: June 8, 2006

ACTION: Approved a Postponement request by the Staff to 8-24-06 (7-0).

August 24, 2006

ORDINANCE READINGS: 1st

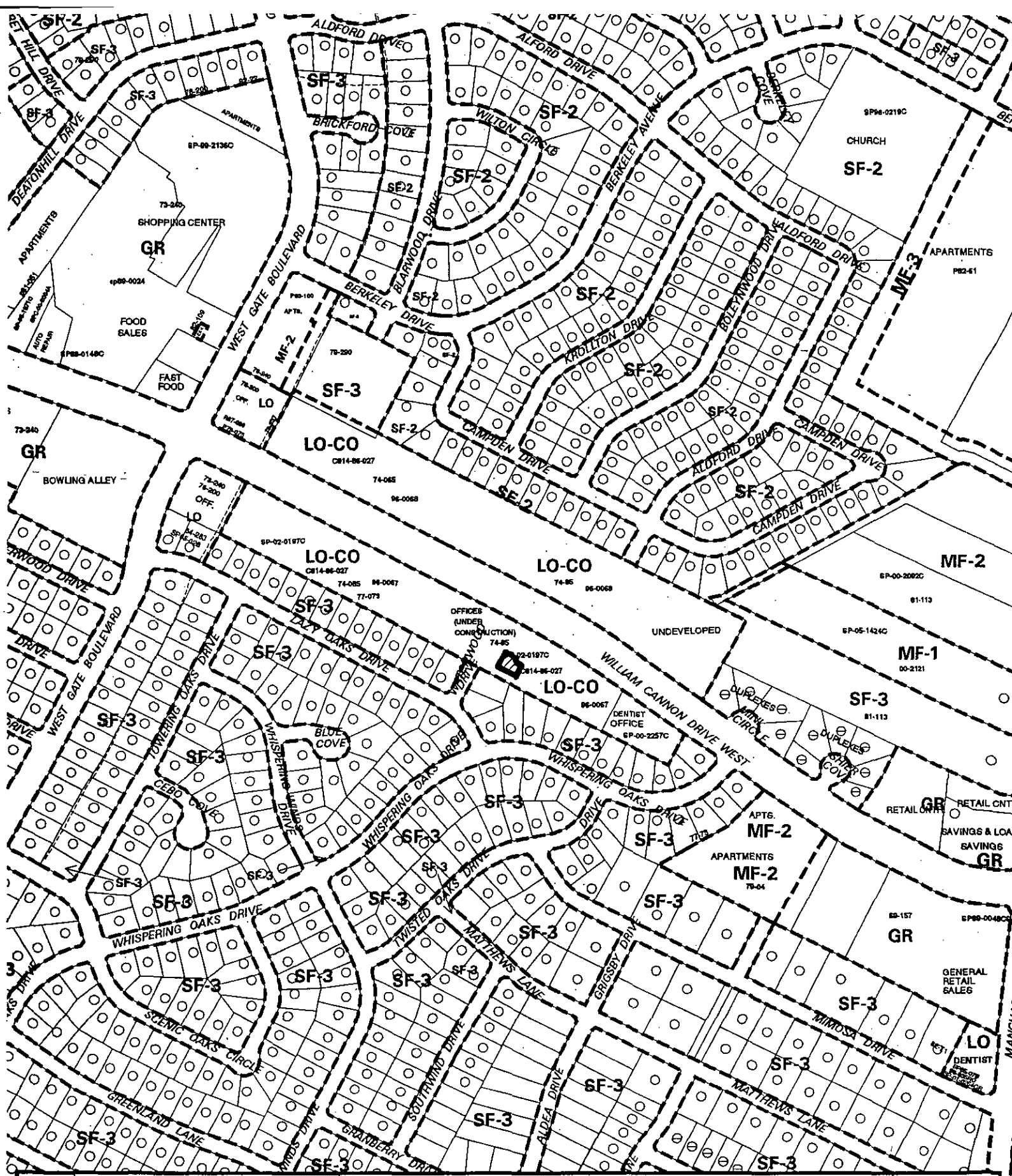
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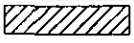

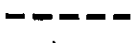
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ORDINANCE NUMBER:

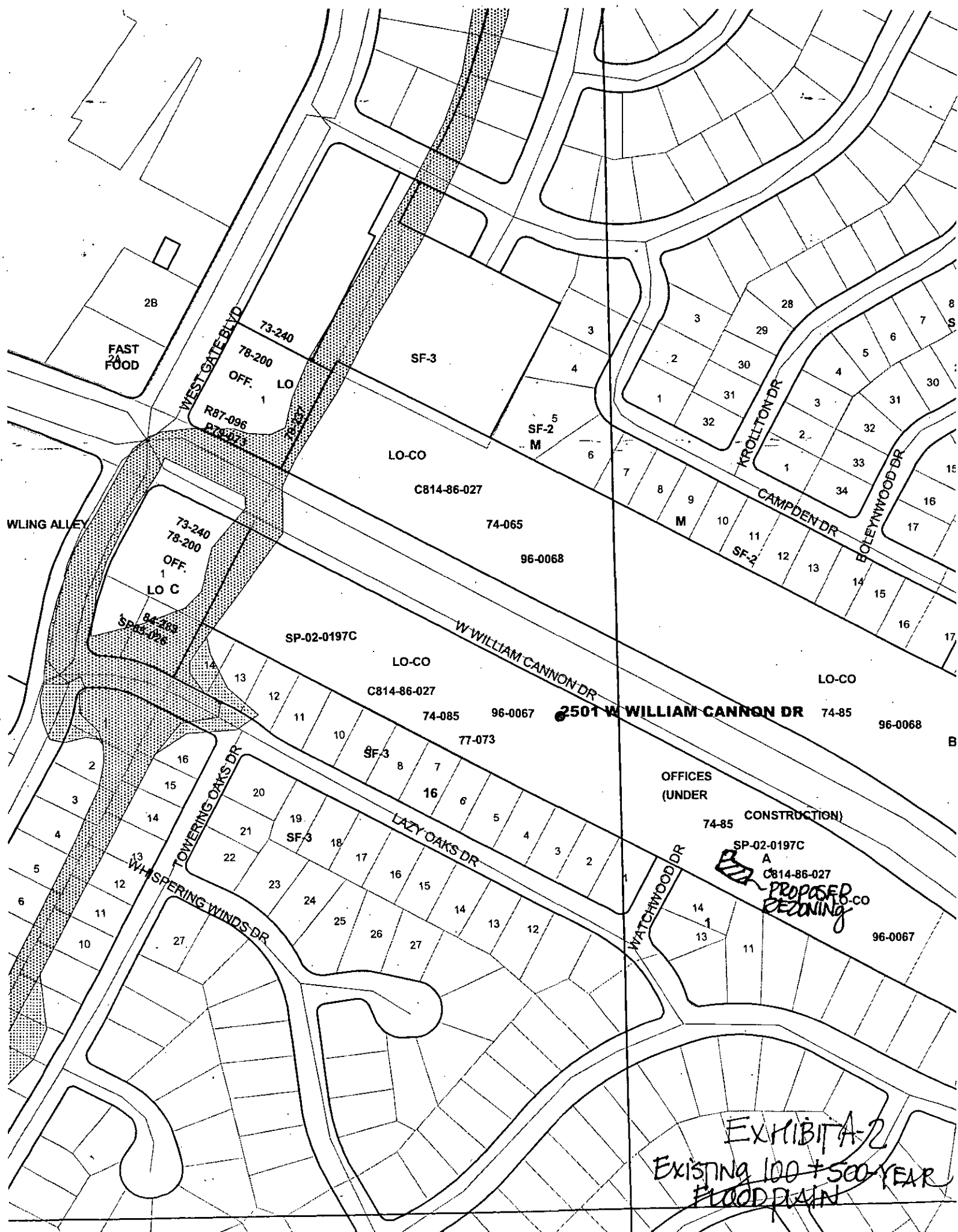
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT		ZONING Exhibit A	CITY GRID REFERENCE NUMBER F17
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
CASE #: C14-06-0076 ADDRESS: 2501 W WILLIAM CANNON SUBJECT AREA (acres): 0.073			DATE: 06-05 INTLS: SM	





FAST
FOOD

WEST GATE BLVD

73-240

78-200

OFF.

LO

R87-096

P79-073

SF-3

LO-CO

C814-86-027

SF-2

M

74-065

96-0068

KROLLTON DR

CAMPDEN DR

BOLEYWOOD DR

WILING ALLEY

73-240

78-200

OFF.

LO-CO

84-283
SP85-026

SP-02-0197C

LO-CO

C814-86-027

74-085

96-0067

2501 W WILLIAM CANNON DR

LO-CO

74-85

96-0068

W WILLIAM CANNON DR

77-073

SF-3

LAZY OAKS DR

OFFICES
(UNDER

CONSTRUCTION)

74-85

SP-02-0197C

A

C814-86-027

PROPOSED
REZONINGS

96-0067

TOWERING OAKS DR

WATCHWOOD DR

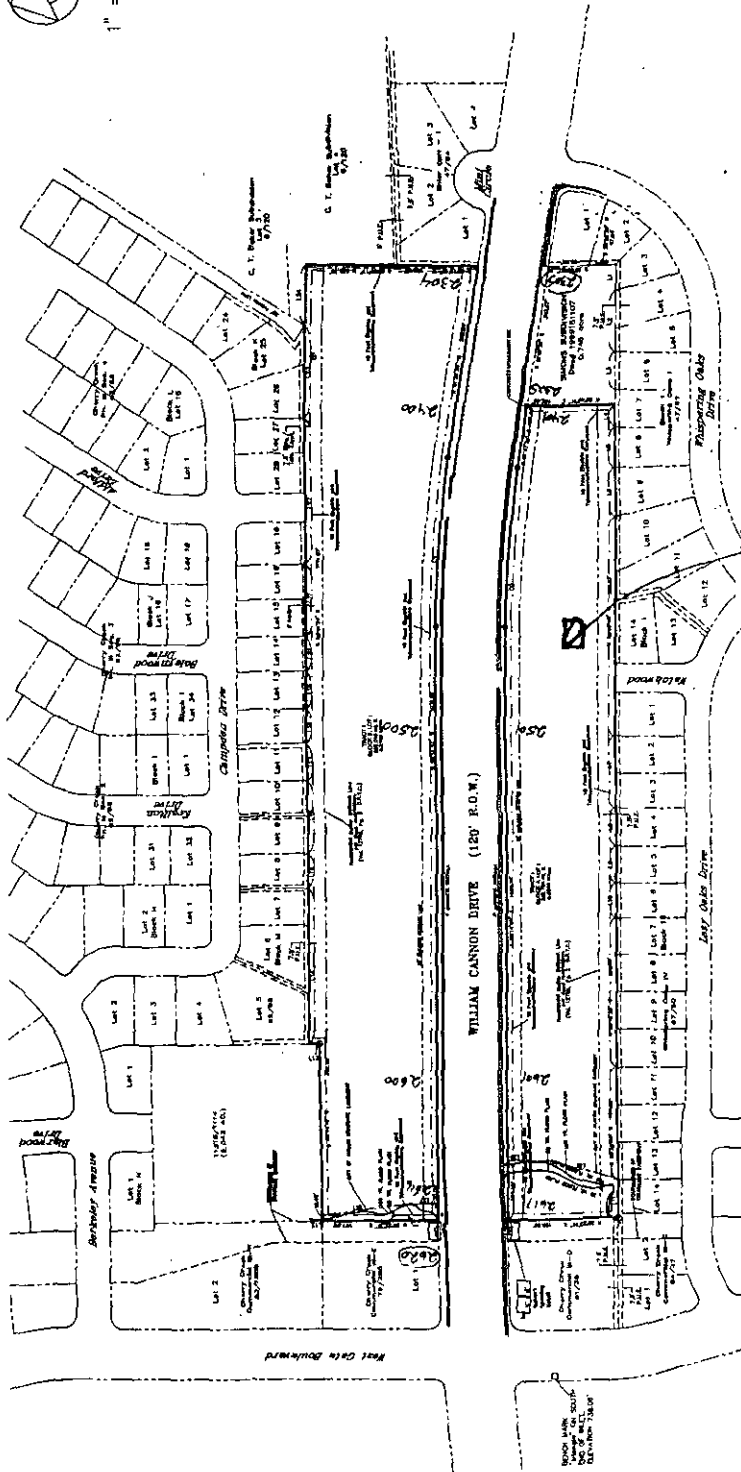
EXHIBIT A-3
PROPOSED FEMA
FLOOD PLAINS

200200116

THE ARBORS AT CANNON'S GATE FINAL PLAT



1" = 100'



- FINAL PLAT NOTES FOR CONVEYANCE AND RECORDING PURPOSES:
1. THERE ARE NO CRITICAL ENVIRONMENTAL FEATURES OF THE NORTH OR SOUTH PLATS.
 2. THERE IS AN CRITICAL WATER ZONE (COWZ) ON THE PROPERTY. THE CRITICAL WATER ZONE (COWZ) IS LOCATED IN THE NORTH PLAT, SECTION 28-3-42 (CRITICAL WATER ZONE) AND IS SHOWN ON THE PROPERTY. COWZ, L.A.C. SECTION 28-3-42 (CRITICAL WATER ZONE) AND IS SHOWN ON THE PROPERTY. COWZ, L.A.C. SECTION 28-3-42 (CRITICAL WATER ZONE) AND IS SHOWN ON THE PROPERTY.
 3. THERE ARE SEVERAL NEUTRAL ELECTRICAL LOCATIONS WHICH COULD BE A HAZARD TO THE PROPERTY. THE EXACT LOCATIONS OF THESE LOCATIONS COULD NOT BE LOCATED BECAUSE THE EXISTING PLANTS WERE NOT LOCATED. THERE IS ALSO ONE ALARM ELECTRICAL LOCATIONS LOCATED ON THE PROPERTY IN THE NORTH PLAT (COWZ, L.A.C. SECTION 28-3-42).
- NOTES:
- 1) TOP OF ROAD WITH R.O.W. IN THE SOUTH PLAT OF WILLIAM CANNON DRIVE.
 - 2) TOP OF ROAD WITH R.O.W. IN THE NORTH PLAT OF WILLIAM CANNON DRIVE.
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THOMAS LAND SURVEYING SURVEY PLAT

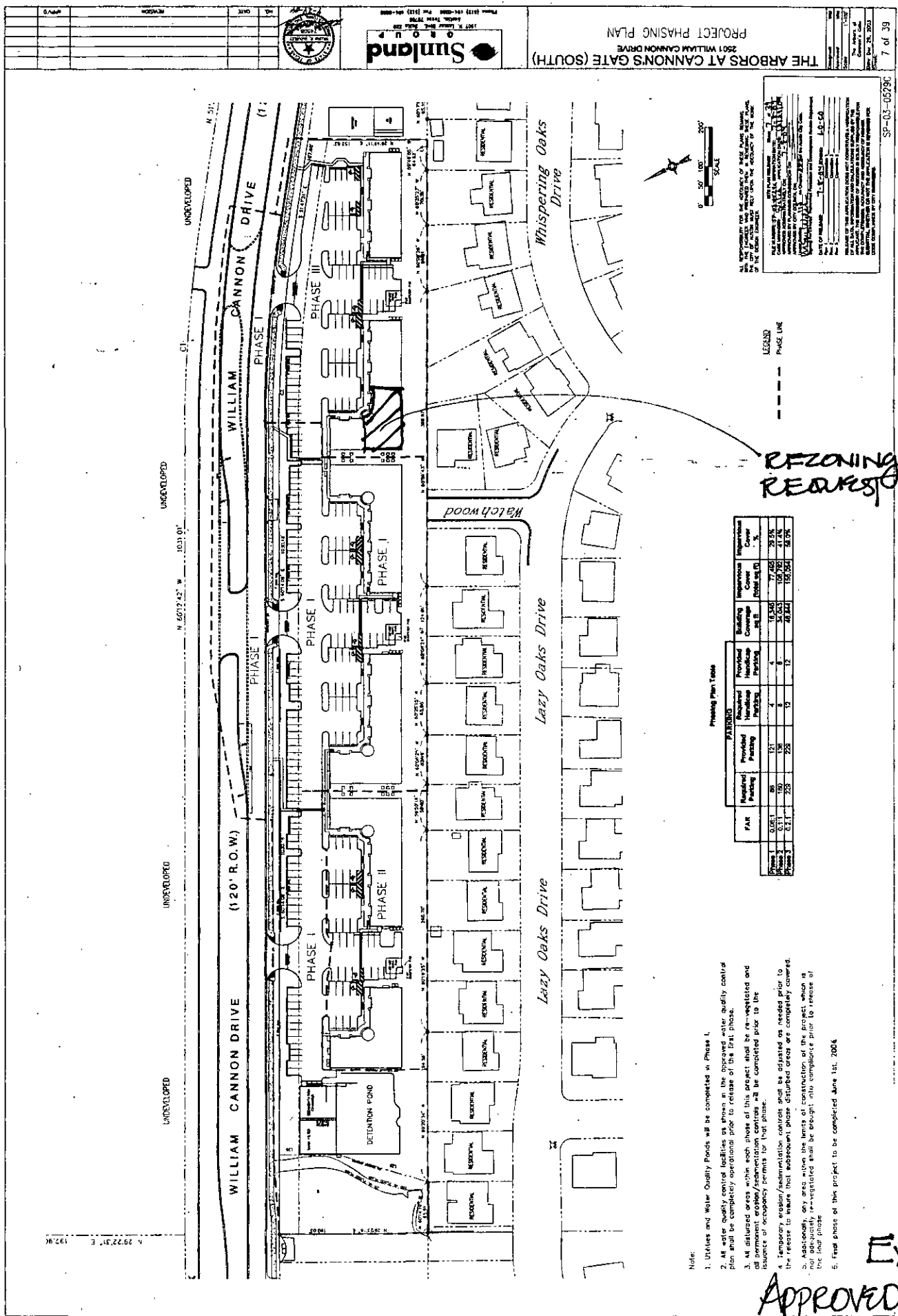
- LEGEND
- WITH IRON FOUND
 - IRON FOUND
 - CONCRETE MONUMENT
 - STAKE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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EXHIBIT B
RECORDED SUBDIVISION PLAT

Hill Country Environmental, Inc.
C8-01-0264.0A
SHEET 1 OF 2

11585



- Note:
1. Utilities and Water Quality Ponds will be completed in Phase I.
 2. All water quality control facilities as shown in the approved water quality control plan shall be completely operational prior to release of the first phase.
 3. All disturbed areas within each phase of this project shall be re-vegetated and all permanent erosion/sedimentation controls shall be completed prior to the issuance of occupancy permits for that phase.
 4. Temporary erosion/sedimentation controls shall be adjusted as needed prior to the release to ensure that subsequent phase disturbed areas are completely covered.
 5. Additionally, any area within the limits of construction of the project, which is not adequately re-vegetated shall be brought into compliance prior to release of the final phase.
 6. Final phase of this project to be completed June 1st, 2004.

Phasing Plan Table

FAR	PERMITTED			
	Required Parking	Provided Parking	Required Handicap Parking	Provided Handicap Parking
Phase 1	100	120	4	4
Phase 2	150	180	8	8
Phase 3	200	220	12	12
Phase 4	250	270	16	16
Phase 5	300	330	20	20
Phase 6	350	380	24	24
Phase 7	400	440	28	28
Phase 8	450	490	32	32
Phase 9	500	540	36	36
Phase 10	550	590	40	40
Phase 11	600	640	44	44
Phase 12	650	690	48	48
Phase 13	700	740	52	52
Phase 14	750	790	56	56
Phase 15	800	840	60	60
Phase 16	850	890	64	64
Phase 17	900	940	68	68
Phase 18	950	990	72	72
Phase 19	1000	1040	76	76
Phase 20	1050	1090	80	80
Phase 21	1100	1140	84	84
Phase 22	1150	1190	88	88
Phase 23	1200	1240	92	92
Phase 24	1250	1290	96	96
Phase 25	1300	1340	100	100
Phase 26	1350	1390	104	104
Phase 27	1400	1440	108	108
Phase 28	1450	1490	112	112
Phase 29	1500	1540	116	116
Phase 30	1550	1590	120	120
Phase 31	1600	1640	124	124
Phase 32	1650	1690	128	128
Phase 33	1700	1740	132	132
Phase 34	1750	1790	136	136
Phase 35	1800	1840	140	140
Phase 36	1850	1890	144	144
Phase 37	1900	1940	148	148
Phase 38	1950	1990	152	152
Phase 39	2000	2040	156	156
Phase 40	2050	2090	160	160
Phase 41	2100	2140	164	164
Phase 42	2150	2190	168	168
Phase 43	2200	2240	172	172
Phase 44	2250	2290	176	176
Phase 45	2300	2340	180	180
Phase 46	2350	2390	184	184
Phase 47	2400	2440	188	188
Phase 48	2450	2490	192	192
Phase 49	2500	2540	196	196
Phase 50	2550	2590	200	200
Phase 51	2600	2640	204	204
Phase 52	2650	2690	208	208
Phase 53	2700	2740	212	212
Phase 54	2750	2790	216	216
Phase 55	2800	2840	220	220
Phase 56	2850	2890	224	224
Phase 57	2900	2940	228	228
Phase 58	2950	2990	232	232
Phase 59	3000	3040	236	236
Phase 60	3050	3090	240	240
Phase 61	3100	3140	244	244
Phase 62	3150	3190	248	248
Phase 63	3200	3240	252	252
Phase 64	3250	3290	256	256
Phase 65	3300	3340	260	260
Phase 66	3350	3390	264	264
Phase 67	3400	3440	268	268
Phase 68	3450	3490	272	272
Phase 69	3500	3540	276	276
Phase 70	3550	3590	280	280
Phase 71	3600	3640	284	284
Phase 72	3650	3690	288	288
Phase 73	3700	3740	292	292
Phase 74	3750	3790	296	296
Phase 75	3800	3840	300	300
Phase 76	3850	3890	304	304
Phase 77	3900	3940	308	308
Phase 78	3950	3990	312	312
Phase 79	4000	4040	316	316
Phase 80	4050	4090	320	320
Phase 81	4100	4140	324	324
Phase 82	4150	4190	328	328
Phase 83	4200	4240	332	332
Phase 84	4250	4290	336	336
Phase 85	4300	4340	340	340
Phase 86	4350	4390	344	344
Phase 87	4400	4440	348	348
Phase 88	4450	4490	352	352
Phase 89	4500	4540	356	356
Phase 90	4550	4590	360	360
Phase 91	4600	4640	364	364
Phase 92	4650	4690	368	368
Phase 93	4700	4740	372	372
Phase 94	4750	4790	376	376
Phase 95	4800	4840	380	380
Phase 96	4850	4890	384	384
Phase 97	4900	4940	388	388
Phase 98	4950	4990	392	392
Phase 99	5000	5040	396	396
Phase 100	5050	5090	400	400

REZONING REQUEST

EXHIBIT C
APPROVED SITE PLAN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits access to Watchwood Drive.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The site borders on two established neighborhoods, the Whispering Oaks IV neighborhood directly south and Phase III of the Cherry Creek neighborhood on the north side of William Cannon Drive. The site would primarily serve these neighborhoods while also serving the community by capturing "pass by" traffic from West William Cannon Drive as this arterial roadway is heavily used during the AM and PM peak traffic hours.

EXISTING CONDITIONS**Site Characteristics**

The Arbors at Cannon's Gate is under construction for office buildings. There appear to be no significant topographical constraints on the site.

Impervious Cover

The amount of impervious cover shown on the approved Site Plan is 59.5%. No changes to impervious cover are contemplated with the rezoning application.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

LR zoning for a 0.073 acre parcel would result in the generation of 460 trips per day.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or relocation are required. The landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Compatibility Standards

This lot has an approved Site Plan (SP-03-0529C) and is complying with compatibility standards, including the residential buffer / setback along the south property line, adjacent to the Whispering Oaks IV subdivision.



CARLSON CHIROPRACTIC

6905 Westgate Blvd., Ste. A • Austin, Texas 78745-4808

512-447-9093 Office 512-447-3366 Fax

4/21/2006

City of Austin
Zoning and Platting Commission
P.O. BOX 1088
Austin, TX 78867

ATTN: Wendy Walsh

RE: Rezoning of 2501 W. Wm. Cannon
Case #: C14-06-0076

Wendy,

Thank you for returning my call today about my concerns of the rezoning of the property 2501 W. Wm. Cannon, Austin, TX case number C14-06-0076.

This letter is to make your commission aware of a current concern about the viability of the water retention pond on the property of The Arbors of Cannons Gate at 2501 W. Wm. Cannon on the south side of Wm. Cannon Dr. and just east of my property at 6905 Westgate Blvd.. Currently, the developer of The Arbors of Cannons Gate has created a water retention pond that was permitted by the City of Austin. After the developer excavated a portion of my land to drain the water into the creek I became concerned about the water retention pond concentrating water onto my property. I have talked with Phil Houlton, Environmental Inspector for the City of Austin and with Benny Ho, City of Austin Engineer. After talking with Benny Ho he told me to get an engineer so we could talk about the project and whether or not the water retention pond was developed properly. I did hire I.T. Gonzales, engineer as my consultant for the review of records to determine if the development of The Arbors of Cannons Gate would cause adverse flooding on my property. Currently, Mr. Gonzales is talking with Benny Ho and Bill McCurly to determine if the water retention pond is developed properly or would concentrate water adversely onto my property. Currently, Mr. Gonzales is very concerned that the water retention pond in question does not work properly.

No further development or rezoning should be allowed until the City of Austin can prove to us that the water retention pond of The Arbors of Cannons Gate does indeed function properly and will not concentrate water adversely onto my property. Allowing another project in such close proximity could again cause a backup of flood waters onto my property causing damage to my building or property.

Please keep me posted on the Zoning and Platting Commission response to this unresolved concern.



John D. Carlson, D.C.

Cc: I.T. Gonzales, Engineer

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0076

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

May 16, 2006 Zoning and Platting Commission

James J. Nicoletto

Your Name (please print)

7010 Whispering Oaks Drive 78745

Your address(es) affected by this application

James J. Nicoletto

Signature

5/8/2006

Date

Comments: I strongly object to this zoning change. Some of the buildings are within approximately 30 feet of my property. Shopping "facilities" mean more activity, noise, extended hours including weekends and issues with excessive lighting.

At a minimum, if this change is approved, the owner should be required to install a high, effective sound deadening fence, have restricted hours & direct lighting away from residences.

We've put up with construction for 14 years

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

they are even finished, they are going for re zoning. Exasperating!

and now before

Walsh, Wendy

From: Nikelle Meade [NMeade@mailbmc.com]
Sent: Tuesday, May 16, 2006 5:35 PM
To: Walsh, Wendy
Subject: Case C14-06-0076 - Stonegate Pharmacy - Request for Postponement

Wendy:

We hereby request postponement of the case to June 6, 2006, so that we may continue discussions with the adjacent neighbors. Please forward this request to Chairman Baker and members of the Zoning and Platting Commission. Thank you.

Nikelle S. Meade, Partner, Business and Real Estate Group Brown McCarroll, L.L.P.
111 Congress Avenue, Suite 1400
Austin, TX 78701-4043
512.479.1147/Direct
512.479.1101/Fax
512.699.6166/Mobile
nmeade@mailbmc.com
www.brownmccarroll.com

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IRS CIRCULAR 230 DISCLOSURE: Unless otherwise indicated, the IRS requires us to inform you that this communication or any attachment thereto may not be relied upon to either (i) avoid any tax-related penalties under the Internal Revenue Code, or (ii) promote, market or recommend to another party any transaction or matter addressed herein or in any such attachment.

Julia Pearson - Please print the attached and put in a file folder labeled "Stonegate Pharmacy"

From: Nikelle Meade
To: Pearson, Julia
Date: 6/1/2006 09:46 AM
Subject: Please print the attached and put in a file folder labeled "Stonegate Pharmacy"

here is the outcome from last nights meeting

Rene Garza

Lucio Varela <lvarela83@sbcglobal.net> wrote:

Date: Wed, 24 May 2006 21:38:53 -0700 (PDT)
From: Lucio Varela <lvarela83@sbcglobal.net>
Subject: WOCCNA Meeting
To: Rene Garza <rengar@yahoo.com>
CC: Mary Rodela <JoezRodela@yahoo.com>, Larry Tabbert <Ltabbert@seton.org>, Gilbert Torres <Gilberto.Torres@sbcglobal.net>, Celeste Fiegenger <CFiegenger@sbcglobal.net>, Becka Hill <becka.hill@sbcglobal.net>, Margaret Hutchinson <grannie.hutch@gmail.com>, David Lokey <Lokeydi@ATT.net>, Frank Mendez <FMendezDesign@Hotmail.com>, Roger Myers <rw.myers@sbcglobal.net>, John Camarillo <jcam@evl.net>, Shirey Craig <CShirey@Austin.rr.com>

Dear Mr. Garza.

Thank you for attending our meeting this evening and presenting your case to the neighbors affected by your zoning change request to the city.

After you left, the neighbors passed the following motion in support of your suggestion to approach the city to request a change of the designation of your business from LR to LO.

Motion: The WOCCNA supports Mr. Rene Garza's plan to request from the City of Austin a change of his business designation from LR to LO.

Please let us know the outcome of your request to the City. If we do not hear from you, we will make plans to be present at the June 6, 2006 meeting of the City Zoning and Platting Commission.

Sincerely,

Lucio Varela
President
WOCCNA

Walsh, Wendy

From: Annick Beaudet [ABeaudet@mailbmc.com]
Sent: Tuesday, June 06, 2006 11:10 AM
To: Nicoletto, Jim; lucio.varela@oag.state.tx.us
Cc: Walsh, Wendy; Nikelle Meade
Subject: C14-06-0076

Hello Lucio and Jim,

On behalf of our client, Dr. Garza, we would like to postpone the above-referenced zoning case to July 18th, 2006. Of course, we also would like to postpone the City Council date to August 24th.

We are working with City staff on a use determination for a compounding pharmacy use and will be in contact with you before July 18th regarding this matter.

Thank you very much,

Annick Beaudet, AICP
Land Development Coordinator
Brown McCarroll, LLP
512-703-5741
fax 512-479-1101

Walsh, Wendy

From: Walsh, Wendy
Sent: Tuesday, July 18, 2006 2:41 PM
To: 'bacdoc@austin.rr.com'
Subject: Stonegate Pharmacy Rezoning - postponement

John,

This item is listed on tonight's agenda, however, the Applicant and Staff will request a postponement of this case until the Zoning and Platting Commission meeting of September 19, 2006. The Applicant requested and the Planning Commission agreed that the Staff initiate a Code amendment to the definition of Medical Offices (allowed within the LO zoning district that is presently on the property) to include a compounding pharmacy. The primary business activity at a compounding pharmacy is the preparation and sale of prescription drugs and non-prescription drugs, medical supplies and other health care products. The sale of any other merchandise for personal or household use would be permitted as an accessory use (less than 10% of the gross floor area). A postponement until the September 19th meeting will provide the time necessary to address this issue through a Code amendment. However, if a Code amendment is unsuccessful, then the Applicant would pursue a rezoning of the property to the LR district, as originally requested.

Sincerely,
Wendy Walsh

7/18/2006